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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In re Applications of)	MM Docket No. 92-316
)	
RIVERTOWN COMMUNICATIONS CO. INC.)	File No. BPH-911008ME
)	
SAMPLE BROADCASTING COMPANY, L.P.)	File No. BPH-911010MA
)	
For Construction Permit)	
for a new FM Station on)	
Channel 282C3 in Eldon, Iowa)	

To: The Review Board

CONTINGENT PETITION FOR LEAVE TO AMEND AND AMENDMENT

Sample Broadcasting Company, L.P., ("Sample"), by its attorney hereby petitions for leave to amend its above-referenced application. This amendment is filed pursuant to Sections 73.3522 and 1.65 of the Commission's rules to withdraw Sample's integration, divestiture and diversification commitments contingent upon the approval of a pending Joint Request for Approval of Settlement Agreement and the simultaneous grant of Sample's application. In support thereof the following is shown.

On November 4, 1994, the two mutually exclusive applicants in this proceeding for Channel 282C3 in Eldon, Iowa, filed a Joint Request for Approval of Settlement Agreement. If granted, the Joint Request will result in the dismissal of the construction permit application filed by Rivertown Communications Company, Inc., (File No. BPH-911008ME) and the simultaneous grant of Sample's application.

The Commission's Public Notice, FCC Freezes Comparative Proceedings, 5 FCC Rcd 1055 (1994), states that in the event of a

global settlement of a mutually exclusive comparative proceeding, the prevailing applicant will not be required to adhere to its integration proposal.

Here, Sample entered into a global settlement agreement in furtherance of the Commission's demonstrated desire to facilitate post-designation settlements among pending applicants during the adjudication freeze. Sample's general partner, Carmela Sample-Day, was working as a radio station news director at the time the pending application was filed. She is no longer working at any radio station. This satisfies a divestiture/diversification commitment made by Sample in preparation for the hearing phase of the application.

In view of the Commission policy cited above Sample respectfully withdraws and deletes the integration, divestiture and diversification commitments previously made in this proceeding.

It is noted, however, that should the Joint Request for Approval of Settlement Agreement be denied by the Commission, the pending applications will retain their mutual exclusivity and will be retained in the adjudicatory proceeding. In such an event, the Commission is requested to permit Sample to withdraw this petition so that Sample may continue to prosecute its application with its present commitments intact.

In order for the amendment to be accepted, it must show good cause. Erwin O'Connor, 22 FCC 2d 140 (Rev. Bd. 1970). The amendment has been filed promptly upon the mutually exclusive applicants entering into a global settlement of this proceeding.

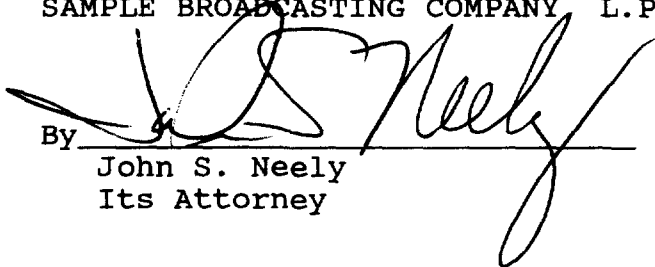
Such settlement furthers the Commission's goals of resolving the mutual exclusivity between applicants and will cause the commencement of a first local radio service to Eldon, Iowa, much sooner than may otherwise be possible. In such a circumstance, the Commission has ruled that an applicant, like Sample, may be relieved of its commitments as requested.

Accordingly, there is good cause to accept the attached amendment contingent upon the grant of the Joint Request of Approval of Settlement Agreement and the grant of Sample's application.

Respectfully Submitted,

SAMPLE BROADCASTING COMPANY L.P.

By


John S. Neely
Its Attorney

November 21, 1994

Miller & Miller, P.C.
P.O. Box 33003
Washington, DC 20033

File No. BPH-911010MA
Eldon, Iowa

AMENDMENT

The application of Sample Broadcasting Company, L.P., for a new FM station at Eldon, Iowa, File No. BPH-891010MA, is amended to withdraw and delete the applicant's integration, diversification and divestiture proposals.

This amendment is contingent upon the Commission's grant of the Joint Request for Approval of Settlement Agreement filed November 4, 1994.

Nov. 14, 1994
Date

SAMPLE BROADCASTING COMPANY, L.P.

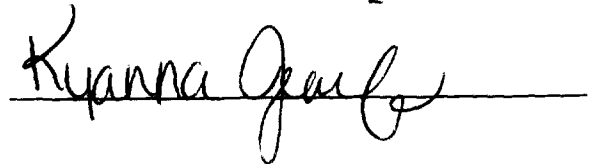
C Sample-Day
Carmela Sample-Day
General Partner

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of November, 1994, a copy of the foregoing document was placed in the United States mail, first class postage prepaid, addressed to the following:

Charles Dziedzic
Mass Media Bureau, Hearing Branch
Federal Communications Commission
Washington, DC 20554

Donald E. Ward, Esq.
Law Offices of Donald E. Ward, P.C.
1201 Pennsylvania Avenue, NW
Fourth Floor
Washington, DC 20004

A handwritten signature in cursive script, appearing to read "Kyanna Garcia", is written over a horizontal line.